

REMARKS

This Application has been reviewed in light of the Office Action dated May 27, 2010. Claims 7-11 are pending in this Application. Claims 7-11 stand rejected. Claim 7 is currently amended herein to further define the invention. In amending claim 7 to further define the invention, Applicant is not representing that claim 7 was unpatentable. Applicant respectfully submits no new matter is added by the present amendments. Support for the present amendment is found throughout the specification as originally filed, for example on page 4, lines 29-30; and page 5, lines 4-7.

I. Rejection of Claims 7-11 Under 35 U.S.C. § 103

The Examiner rejected claims 7-11 under 35 U.S.C. § 103 as being unpatentable over Whiting et al. (U.S. Publication No. 2002/0107877, "Whiting") in view of Bamford et al. (U.S. Patent No. 5,449,367, "Bamford"). Applicant respectfully traverses this rejection.

As amended, independent claim 7 recites the limitation of "accessing by said selected node(s) each of said local redo logs in local storage on each of said plurality of nodes." Whiting does not disclose or suggest "accessing by said selected node(s) each of said local redo logs in local storage on each of said plurality of nodes." The Examiner has acknowledged that Whiting does not disclose or suggest local archived redo logs for each node utilized in a database rewriting system. In Whiting each node only has access to directories on a backup storage means. The directory in Whiting, to the extent it is being equated with "local redo logs," is not in local storage on each of the nodes, rather it is on a shared backup storage means. Thus, Whiting does not disclose or suggest "accessing by said selected node(s) each of said local redo logs in local storage on each of said plurality of nodes," as recited in Applicant's amended independent claim 7.

The Examiner asserted that Whiting discloses "completely rewriting database data files, control files and archived redo log in said shared parallel server database to said selected node(s) by accessing data in said shared parallel server database and also in said local redo logs to provide data to completely rewrite said shared parallel server database." (*Office Action p. 3*). The Examiner has acknowledged that Whiting does not disclose or suggest "a local archived redo log for each node utilized in a database rewriting system." (*Office Action p. 3*). However,

the Examiner asserted that Bamford cures the deficiencies of Whiting. The Examiner asserted that Bamford discloses “a local archived redo log for each node utilized in a database rewriting system.” (*Office Action p. 3*).

Contrary to the Examiner’s assertion Whiting does not disclose or suggest “accessing by said selected node(s) data in said shared parallel server database; and completely rewriting database data files, control files and archived redo log in said shared parallel server database to said selected node(s) by said selected node(s) accessing data in said shared parallel server database and also in said local redo logs to provide data to completely rewrite said shared parallel server database,” as recited in Applicant’s amended independent claim 7. The Examiner interpreted Whiting to disclose “a network file server with a backup storage means that is connected to a plurality of nodes, the multiple nodes being able to access the backup storage means.” (*Office Action p. 6*). In addition to the arguments previously presented in distinguishing over Whiting, Applicant respectfully submits that contrary to the Examiner’s assertion the backup storage means is not the shared parallel server database as claimed. Rather, the backup storage means is simply disk space on a network file server onto which data files from the nodes are backed up.

Further, the Examiner interpreted the limitation “to provide data to completely rewrite said shared parallel server database” “to be the common network file server containing backup storage means.” (*Office Action p. 7*). Contrary to the Examiner’s assertion, the claim language recites “said selected node(s) accessing data in said shared parallel server database and also in said local redo logs to provide data to completely rewrite said shared parallel server database.” The common network file server the Examiner refers to does not disclose or suggest “said selected node(s) accessing data in said shared parallel server database and also in said local redo logs,” as discussed above. Further, the common network file server referred to by the Examiner does not disclose or suggest “completely rewriting database data files, control files and archived redo log in said shared parallel server database.” Thus, Whiting does not disclose or suggest “accessing by said selected node(s) data in said shared parallel server database; and completely rewriting database data files, control files and archived redo log in said shared parallel server database to said selected node(s) by said selected node(s) accessing data in said shared parallel

server database and also in said local redo logs to provide data to completely rewrite said shared parallel server database,” as recited in Applicant’s amended independent claim 7.

Bamford does not cure the deficiencies of Whiting. Contrary to the Examiner’s suggestion Bamford does not disclose or suggest “accessing by said selected node(s) each of said local redo logs in local storage on each of said plurality of nodes,” as recited in Applicant’s amended independent claim 7. Rather, Bamford discloses “a distributed log system” wherein “the clients are partitioned into subsets” and “[e]ach subset of clients is assigned a log, and the redo records of those clients are maintained in that log.” (*Bamford col. 4, line 64–col. 5, line 1*). Further, in Bamford the system may be used to “restore the database to a known state” by processing the logs. (*See Bamford col. 11, lines 53-63*). In addition to the arguments previously presented in distinguishing over Bamford, Applicant respectfully submits that the system in Bamford processes the logs. The logs in Bamford are not accessed by a selected node. Bamford makes no mention of “accessing by said selected node(s) each of said local redo logs in local storage on each of said plurality of nodes,” as recited in Applicant’s amended independent claim 7. Thus, like Whiting, Bamford does not disclose or suggest “accessing by said selected node(s) each of said local redo logs in local storage on each of said plurality of nodes,” as recited in Applicant’s amended independent claim 7.

Further, Bamford does not disclose or suggest “accessing by said selected node(s) data in said shared parallel server database; and completely rewriting database data files, control files and archived redo log in said shared parallel server database to said selected node(s) by said selected node(s) accessing data in said shared parallel server database and also in said local redo logs to provide data to completely rewrite said shared parallel server database,” as recited in Applicant’s amended independent claim 7. Nothing in Bamford discloses or suggest a selected node is used to access data in said shared parallel server database and in said local redo logs to completely rewrite database data files, control files and archived redo log in said shared parallel server. Thus, like Whiting, Bamford does not disclose or suggest “accessing by said selected node(s) data in said shared parallel server database; and completely rewriting database data files, control files and archived redo log in said shared parallel server database to said selected node(s) by said selected node(s) accessing data in said shared parallel server database and also in said

local redo logs to provide data to completely rewrite said shared parallel server database,” as recited in Applicant’s amended independent claim 7.

Since Applicant’s claimed invention is not found in any cited reference, alone or in combination thereof, or suggested anywhere within the art, it appears that in creating this obviousness rejection the Examiner gleaned knowledge from the Applicant’s disclosure contrary to *KSR*, which states “[a] factfinder should be aware, of course, of the distortion caused by hindsight bias and must be cautious of arguments reliant upon *ex post* reasoning.” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 421 (2007).

The particular teachings that the Examiner suggested, in hindsight with the benefit of Applicant’s disclosure, in an attempt to arrive at Applicant’s claimed invention, are neither taught nor suggested by any of the cited references. The teachings of Whiting and/or Bamford alone or in combination do not provide a “reason that would have prompted a person of ordinary skill in the relevant field” to combine (and modify) the cited references to arrive at Applicant’s claimed invention in order to support the present obviousness rejection.

In any event, Applicant submits that the teachings of Whiting and/or Bamford alone or in combination do not arrive at Applicant’s claimed invention as amended. Applicant’s claimed invention, as amended, is patentably distinct from that of Whiting and/or Bamford because, among other things, neither reference discloses or suggests “accessing by said selected node(s) each of said local redo logs in local storage on each of said plurality of nodes;” or “accessing by said selected node(s) data in said shared parallel server database; and completely rewriting database data files, control files and archived redo log in said shared parallel server database to said selected node(s) by said selected node(s) accessing data in said shared parallel server database and also in said local redo logs to provide data to completely rewrite said shared parallel server database,” as recited in Applicant’s amended independent claim 7. For at least these reasons, Applicant respectfully submits that Whiting and/or Bamford alone or in combination do not render amended independent claim 7, and by extension all other claims which are dependent thereupon, including claims 8-11, obvious to one skilled in the art. Accordingly, Applicant respectfully submits that the rejection of claim 7 under 35 U.S.C. § 103 is overcome. Reconsideration is respectfully requested.

CONCLUSION

For at least the reasons set forth above, reconsideration and allowance of this Application are believed to be in order, and such action is hereby solicited. If any points remain an issue which the Examiner feels may be best resolved through a telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below. The Examiner is invited and encouraged to telephone the undersigned with any concerns in furtherance of the prosecution of the present Application.

Please charge any deficiency as well as any other fee(s) which may become due at any time during the pendency of this Application, or credit any overpayment of such fee(s) to Deposit Account No. 50-2896.

Respectfully submitted,

August 26, 2010

Dated:

/Brian L. Michaelis/

Brian L. Michaelis (Reg. No. 34,221)

Attorney for Applicant(s)

Seyfarth Shaw LLP

World Trade Center East

Two Seaport Lane, Suite 300

Boston, MA 02210-2028

Tel: 617-946-4830

Fax: 617-946-4801

Email: bosippto@seyfarth.com